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Attorneys for Post-Confirmation Committee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:	)	Case No.: 2:17-bk-23714 NB
)	
	)	Chapter 11
FARGO TRUCKING COMPANY, INC.,)	
	)	DEBTORS' POST CONFIRMATION
Reorganized Debtor.	)	STATUS REPORT
)	
	)	<u>Hearing:</u>
	)	Date: March 26, 2019
	)	Time: 10:30 a.m.
	)	Place: Courtroom 1545
	)	Roybal Federal Bldg.
	)	255 E. Temple St.
	)	Los Angeles, CA 90012
)	
)	

CLASS/TYPE	TOTAL AMT TO BE PAID PER PLAN	TOTAL AMT REQ'D AS OF DATE OF REPORT	TOTAL VALUE DISTRIBUTED OR CASH PAID AS OF DATE OF REPORT	BALANCE DUE AS OF DATE OF REPORT
Class 1 – Secured Los Angeles County Tax Claim	\$188.32	\$188.32	\$188.32	\$0.00
Class 2 – Secured Claims – Driver Creditors	\$175,000	\$175,000	\$175,000	\$0.00
Class 3 - §507(a)(4) priority claim	\$12,850	\$12,850	\$12,850	\$0.00
Class 4 – Joe Murez Exempt Trust	\$300,000	\$300,000	\$300,000	\$0.00
Class 5 – general unsecured claims	Unknown	None	\$875,000 ¹	\$0.00
Class 6 – claims covered by insurance	None	None	None	\$0.00
Class 7 – equity holders	None	None	None	\$0.00
ADMINISTRATIVE CLAIMS:				
U.S. Trustee	\$15,000 (est)	\$15,810	\$15,810	\$0.00
Haberbush & Associates, LLP	\$200,000 (est)	\$187,057.33	\$187,057.33	\$0.00
Levene Neale Bender Yoo & Brill L.L.P.	\$390,000 (est)	\$421,884.90	\$421,884.90	\$0.00
CohnReznick, LLP	\$168,000 (est)	\$167,475.79	\$167,475.79	\$0.00
Joe Murez Exempt Trust	\$161,348.31	\$161,348.31	\$161,348.31	\$0.00
Robert Wallace	\$97,766.90	\$97,766.90	\$97,766.90	\$0.00
David Meadows	\$8,800.00 (est)	\$4,000.00	\$4,000.00	\$0.00

¹ Thirty-five unsecured driver creditors retained trucks in their possession equal to a stipulated value of \$25,000 per truck, which value is credited against future distributions under the Plan in accordance with the Settlement Agreement. No cash distributions have been made to Class 5 creditors.

B. Postconfirmation Tax Liabilities (LBR 3020-1(b)(2)).

No postconfirmation tax liabilities have accrued.

C. Pending Matters, Final Decree, Pertinent Information (LBR 3020-1(b)(3), (4), (5)).

The Debtor transferred \$337,022.73 to the Liquidating Trustee pursuant to the Plan. Two disbursements have been made to pay unscheduled pre-confirmation chapter 11 administrative claims, as follows: Allied Interpreting Service the amount of \$875.00 and Integrity Legal Corp in the amount of \$1,391.44. The current balance held by the Liquidating Trustee is \$334,756.29. In addition, certain office equipment and personal property (the “Personal Property”) and the Trust Causes of Action are being held in the Liquidating Trust. The Committee is currently finalizing the terms of retention for counsel to pursue the OOCL Litigation. *See* Plan, pgs. 37, Ins. 3 – 20 and 41, Ins. 1 – 5. Further, the Committee is in discussion with the Settling Parties with respect to the disposition of the Personal Property, the proceeds of which shall reduce the second payment due from the Settling Parties under the Settlement Agreement on or before December 22, 2019 (the “Second Settlement Payment”). *See* Plan, pgs. 10 – 11.

The Committee is currently in settlement negotiations with respect to the following disputed claims:

CLAIMANT	AMOUNT	CLAIM NO.
Rene Rubio	\$429,090	60
Hermelindo Davila Alvarez	\$103,023	61
Gloria Perez Silva	\$513,051	62
Shin Chung	\$603,406	63

If these negotiations are not successful, the Committee intends to file objections to these disputed claims. The Committee believes that the next distribution to unsecured creditors shall follow receipt of the Second Settlement Payment, which is due on or before December 22, 2019. However, if the foregoing disputed claims are resolved prior to the receipt of the Second Settlement Payment, the Committee may authorize a payment to unsecured creditors from cash held by the Liquidating Trustee.

The Committee may file a motion decree in the second quarter of 2019, which may include a request for the Court to retain jurisdiction over any pending matters. The Committee does not

1 expect any issues with respect to consummation of the Plan.

2 **D. Status Conference Hearing – Request to Continue.**

3 The Committee requests that the Court continue the currently scheduled status conference
4 hearing for 120 days and such further relief the Court deems appropriate.

5 Dated: March 11, 2019

LEVENE, NEALE, BENDER,
YOO & BRILL, L.L.P.

7 By: /s/ Daniel H. Reiss

8 DANIEL H. REISS
9 Attorneys Post-Confirmation Committee

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067

A true and correct copy of the **Debtors' Post Confirmation Status Report** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **March 11, 2019**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On **March 11, 2019**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, **March 11, 2019**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

March 11, 2019
Date

John Berwick
Type Name

/s/ John Berwick
Signature

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